

November 21, 2014

Andrew Pawlitschek  
78 E. 10<sup>th</sup> Street  
St. Paul, Minnesota 55101

Dear Mr. Pawlitschek:

Enclosed is a copy of the fully executed Stipulation and Order in the above-named matter, approved by the Emergency Medical Services Board (Board) on November 20, 2014.

The Board's Stipulation and Order states in part:

1. Your Minnesota EMT certificate has had conditions placed on it.
2. You had been reprimanded for failure to disclose previous convictions.

If you have further questions, please contact Rose Olson (651-201-2804) at your convenience.

Sincerely,



Pamela Biladeau  
Executive Director

Cc: Gregory Schaefer, Assistant Attorney General

Enclosure: Stipulation and Consent Order

**BEFORE THE MINNESOTA  
EMERGENCY MEDICAL SERVICES REGULATORY BOARD**

In the Matter of  
Andrew D. Pawlitschek, EMT  
Certificate No. 922422

**STIPULATION AND CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Andrew D. Pawlitschek, Emergency Medical Technician ("EMT") ("Respondent"), and the Complaint Review Panel ("Review Panel") of the Minnesota Emergency Medical Services Regulatory Board ("Board") as follows:

Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. The Review Panel is represented by Gregory J. Schaefer, Assistant Attorney General, 1400 Bremer Tower, 445 Minnesota Street, St. Paul, Minnesota 55101, telephone (651) 757-1366.

**I.**

**JURISDICTION**

1. The Board is authorized pursuant to Minnesota Statutes sections 144E.001 to 144E.52 to certify and regulate EMTs and to take disciplinary action as appropriate.
2. Respondent holds an EMT certification from the Board to provide emergency medical services in the State of Minnesota and has been and now is subject to the jurisdiction of the Board with respect to matters referred to in this Stipulation and Consent Order.

## **II.**

### **FACTS**

3. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. Respondent was convicted of Driving While Under the Influence ("DUI") in Pope County on February 4, 1985; in Wright County on October 12, 1993; in Ramsey County on February 13, 1996; and gross misdemeanor DUI in Anoka County on January 3, 2001.

b. Respondent completed disclosure statements on March 6, 2004, April 14, 2005, August 27, 2007, February 19, 2009, March 20, 2011, March 29, 2011, and March 29, 2013. On each of the seven applications submitted to the Board, Respondent answered "No" to self-disclosure question: "Have you ever been convicted or pled nolo contendere to any felony, any gross misdemeanor relating to assault, sexual misconduct, theft, or the illegal use of drugs or alcohol; or any misdemeanor relating to assault, sexual misconduct, theft, or the illegal use of drugs or alcohol?"

c. At the time Respondent was completing his application for First Responder registration and EMT certification in Minnesota, Respondent misrepresented or falsified information on the application by failing to disclose his DUI convictions.

d. Respondent reports entering treatment and self-referring to the Health Professionals Services Program ("HPSP").

### III.

#### STATUTES

4. The Review Panel views Respondent's conduct as inappropriate in such a way as to justify Board action under Minnesota Statutes section 144E.28, subdivisions 4 and 5(a)(2) (misrepresents or falsifies information on an application form for certification), (3) (is convicted of a gross misdemeanor or any misdemeanor relating to the illegal use of alcohol), and (4) (is actually or potentially unable to provide emergency medical services with reliable skill and safety to patients by reason of use of alcohol). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify disciplinary action under these statutes.

### IV.

#### DISCIPLINARY ACTION

5. Upon this Stipulation and Consent Order, and all the files, records, and proceedings herein, without further notice or hearing, the parties agree the Board may take the following disciplinary action and require compliance with the following terms:

##### A. Reprimand

6. The Board **REPRIMANDS** Respondent for the conduct outlined in this Stipulation and Consent Order.

##### B. Conditions

7. The Board places the following **CONDITIONS** on Respondent's EMT certificate:

a. ***HPSP Participation Agreement.*** Respondent shall enter into a Participation Agreement with the HPSP for monitoring of Respondent's chemical dependency

within 60 days of the date of this Order. Respondent must comply with all terms of the Participation Agreement.

b. ***Abstention From Mood-Altering Substances.*** Respondent shall completely abstain from any and all mood-altering chemicals, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other health care professional who is providing care and treatment to Respondent.

c. ***Reports From Employment Supervisor.*** Respondent shall submit or cause to be submitted a report every three months from Respondent's supervisor. Respondent shall notify each present and future supervisor of this Stipulation and Consent Order within ten days of the date of the order or commencing employment. Respondent shall provide the supervisor with a copy of the entire signed Stipulation and Order.

d. ***Employment Preapproval.*** Respondent must obtain preapproval from the Review Panel before beginning employment in any emergency medical services position not currently held. Respondent must provide notification to the Board a minimum of 15 days prior to anticipated dates of employment and must provide a job description and the name and telephone number of the individual who will be his supervisor.

#### C. Removal of Conditions

8. The conditions upon Respondent's EMT certificate shall be administratively removed upon Respondent's successful completion of HPSP, compliance with the terms of this Stipulation and Consent Order, and upon written notification to Respondent by the Board of the removal of the conditions.

#### **IV.**

##### **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

9. If Respondent fails to comply with or violates this Stipulation and Consent Order, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent

waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's certificate is in a conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Respondent's practice, suspension, or revocation of Respondent's certificate.

f. Nothing herein shall limit the Review Panel's or the Board's right to temporarily suspend Respondent's certificate pursuant to Minnesota Statutes section 144E.28, subdivision 6, based on a violation of this Stipulation and Order or based on conduct of Respondent not specifically referred to herein.

## **V.**

### **ADDITIONAL TERMS**

10. Within ten days of any change, Respondent shall provide the Board with his current address and telephone information. The information shall be sent to Pamela Biladeau, Executive Director, Emergency Medical Services Regulatory Board, University Park Plaza, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

11. Respondent shall comply with the laws and rules of the Board. Respondent agrees that failure to comply with the Board's laws and rules shall be a violation of this Stipulation and Consent Order.

12. Respondent shall fully and promptly cooperate with the Board's reasonable requests concerning compliance with this Stipulation and Consent Order, including requests for explanations, documents, office inspections, and/or appearances at conferences. Minnesota Statutes section 144E.30, subdivision 3, applies to such requests.

13. Respondent waives the contested case hearing and all other procedures before the Board to which he may be entitled by Minnesota or United States Constitutions, statutes, or rules.

14. Respondent waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Respondent.

15. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter, shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

16. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

17. Respondent has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to



specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be of no effect.

18. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

19. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

## **VI.**


### **DATA PRACTICES NOTICES**

20. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.


21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

CONSENT:

COMPLAINT REVIEW PANEL

  
\_\_\_\_\_  
ANDREW D. PAWLITSCHKEK, EMT  
Respondent

Dated: 07 OCT 2014

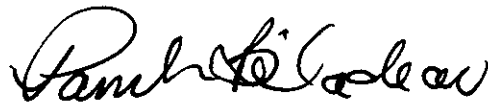
  
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BOARD MEMBER

Dated: 11/17/14

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the Board issues Respondent a **REPRIMAND** and that the terms of this Stipulation are adopted and implemented by the Board this 21 day of November 2014.

MINNESOTA EMERGENCY MEDICAL  
SERVICES REGULATORY BOARD

By:   
\_\_\_\_\_  
PAMELA BILADEAU  
Executive Director